

Appl. No. 09/641,437  
Amdt. Dated March 2, 2004  
Reply to Office action of December 4, 2003  
Attorney Docket No. P11845/27943-00392  
EUS/J/P/04-6042

### **REMARKS/ARGUMENTS**

#### **1.) Amendments**

The Applicants have amended Claims 1 and 15. Accordingly, Claims 1-27 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

#### **2.) Claim Rejections – 35 U.S.C. § 103 (a)**

The Examiner rejected claims 1 and 15 under 35. U.S.C § 103(a) as being unpatentable over Chow et al (US 6,535,730) in view of Lin et al (US 6,603,849), hereinafter Chow and Lin, respectively. Applicant respectfully traverses the Examiner's rejection and has further amended the independent claims to more clearly and distinctly claim the subject matter which Applicant considers as his invention. A favorable reconsideration is respectfully requested.

The present invention deals with a call transfer procedure wherein a call connection is established between Subscriber A and Subscriber B. Subscriber C is also communicating with Subscriber A, but is in "held" state while Subscriber A is engaged in communication with Subscriber B. Subscriber A who is connected to a controlling node within the packet based communication network then initiates a call transfer service thereby transferring Subscriber B to Subscriber C enabling Subscriber B to communicate with Subscriber C without involving Subscriber A. Applicant admits that such a basic call transfer procedure, as further illustrated by Chow, is well known in the telecommunication industry.

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However, within packet based communication network wherein media packets are transmitted using packets with destination addresses specified therein, a different call handling mechanism from the circuit switched network, as illustrated in Chow, is needed. For example, in a circuit switched network, a local switch merely connects the two circuit connections together to relay a first call connection to a second call connection without notifying the two subscriber terminals of the call transfer service. Since the two physical circuit connections are relayed together, no other arrangement is needed. This is how the Chow invention transfers call connections by MS-1 (Chow, Fig. 20, MS-1 101a) initiating a separate ISUP circuit switched connection and the LDS releasing the existing call connection to MS-1 and connecting with the newly established circuit connection.

However, in a packet based communication network where there is no permanent connections to be manipulated, once a transfer of a communication channel is implemented, Subscriber B and Subscriber C must be notified of such a transfer so that both subscriber's end points can now use each other's address (rather than Subscriber A' address) for forwarding media packets therebetween. As stated in the present application, notifying the end users' end points and changing the destination address as described above is undesirable and inefficient.

Therefore, in accordance with the teachings of the present invention, even after a call transfer service has been executed thereby transferring Subscriber B to Subscriber C, end points associated with those two subscribers need not use a different port address. As disclosed and claimed by the present invention, Subscriber B and Subscriber C continues to use the port address associated with Subscriber A since a

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control node connected to Subscriber A (transferring end-point) continues to remain within the packet based call connection and relays the media packets between the Subscriber B (First Subscriber) and Subscriber C (Second Subscriber). Since the call control node serving the original transferring end-point is still receiving media packets transmitted by the first and second subscribers, those two subscribers need not change their destination port address (H.323 port address). In further accordance with the teachings of the present invention, a connection between the call control node and the transferring end-point is nevertheless disconnected allowing the transferring end-point to make and receive other calls.

Applicant respectfully submits that such a novel element of a control node associated with Subscriber A remaining within a packet based call connection even after the call connection has been transferred away from Subscriber A enabling Subscriber B to communicate directly with Subscriber C, and relaying media packets between Subscriber B and Subscriber C is not anticipated or rendered obvious by Chow or Lin. Since the control node originally connecting Subscriber A remains within the call connection, in accordance with the teachings of the present invention, Subscriber B and Subscriber C continue to use the port address associated with Subscriber A (transferring end-point) even after the call transfer.

On the other hand, Chow merely discloses a call transfer procedure within a mobile communication network using a circuit switched based ISUP signaling (such as SS7 IAM call setup signal) and simply fails to disclose or anticipate the novel elements as recited and argued above.

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Applicant submits that, for at least the above reasons, independent Claims 1 and 15 as amended are allowable over the cited references and a Notice of Allowance of all pending claims are respectfully requested.

Additionally, Applicant respectfully submits that Lin is disqualified as 103/102(e) reference. Pursuant to 35 U.S.C. 103(c), Applicant submits that "subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person."

Applicant further submits that Ericsson Inc., the assignee of the Lin invention, is a wholly owned U.S. subsidiary of Telefonaktiebolaget L. M. Ericsson, the recorded assignee of the present application. Applicant therefore respectfully submits that Lin reference is disqualified as prior art against the claimed invention since the subject matter and the claimed invention were at the time the invention was made, owned by the same entity.

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### CONCLUSION

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for Claims 1-27.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



John C. Han  
Registration No. 41,403

Ericsson Inc.  
6300 Legacy Drive, M/S EVR 1-C-11  
Plano, Texas 75024

(972) 583-7686  
john.han@ericsson.com